

# Wetlands Bureau Decision Report

Decisions Taken  
10/25/2004 to 10/31/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

**MAJOR IMPACT PROJECT**

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**1998-02286                      FARREY, MICHAEL**  
**MASON   Forested Wetlands**

Requested Action:

retain 29,400 square feet of fill in palustrine forested wetlands for the construction of a private grassed airstrip and the natural regeneration of 45,807 square feet of previously stumped and graded palustrine forested wetlands and seasonal streams

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Conservation Commission/Staff Comments:

No comments were submitted from the local Conservation Commission.

Inspection Date: 07/14/2004 by Jeffrey D Blecharczyk

APPROVE AFTER THE FACT:

retain 29,400 square feet of fill in palustrine forested wetlands for the construction of a private grassed airstrip and the natural regeneration of 45,807 square feet of previously stumped and graded palustrine forested wetlands and seasonal streams

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated December 8, 1998, as received by the Department on December 14, 1998.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. For final grading in areas adjacent to jurisdictional wetlands appropriate siltation erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Mowing or cutting of vegetation in jurisdictional wetlands may be conducted without a permit, provided that the roots of the vegetation are not disturbed, and that the ground is frozen or sufficiently dry to avoid making ruts and that the area is stabilized once thawed.

With Findings:

1. This project initially impacted 74,807 sq ft of nontidal jurisdictional wetlands in 1997 associated with forestry operations and airstrip site work.
2. Approximately 29,400 sq ft of impacts are permanent, an additional 45,407 sq ft has naturally regenerated and therefore this is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq ft of nontidal jurisdictional wetlands.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. A complete forestry notification was issued for the subject parcels on August 12, 1997.
7. DES Staff conducted a compliance field inspection of the property on June 23, 1998. Field inspection determined potential alteration to seasonal stream channels and forested wetlands for construction of the grassed airstrip. DES requested an After-The-Fact application be submitted for impacts associated with the airstrip construction.
8. DES Staff conducted a field inspection of the property on July 14, 2004. Field inspection determined areas altered outside of the airstrip have been regenerating naturally. Minimum work, outside of wetlands jurisdiction, is required to complete construction of the airstrip.
9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

**2003-02432 WEARE, TOWN OF  
WEARE Piscataquog River**

Requested Action:

Retain 9,750 square feet (650 linear feet) of rip rap placed on the southern bank of the Piscataquog River located on the River Road in Weare.

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Conservation Commission/Staff Comments:

The Conservation Commission did not have any objections to the project.

No comments submitted from the Local River Advisory Committee.

Inspection Date: 11/19/2003 by Arlene M Allen

Inspection Date: 10/19/2004 by Jeffrey D Blecharczyk

APPROVE AFTER THE FACT:

Retain 9,750 square feet (650 linear feet) of rip rap placed on the southern bank of the Piscataquog River located on the River Road in Weare.

With Conditions:

1. All work shall be in accordance with "as-built" plans by NorthEast Engineering, PLLC, dated September, 2004, as received by the Department on October 4, 2004.
2. The permittee or a designee shall conduct a follow-up inspection after the second spring (2005) runoff, to review the success of the bank stabilization and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by July 1, 2005.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All future activities along the River Road, adjacent to the Piscataquog River shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project impacted 650 linear feet of perennial river bank is therefore a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of a nontidal perennial stream or river.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the project on September 17, 2003. Field inspection determined rip rap was placed in jurisdiction without a permit. No visible evidence of a water quality violation (turbidity).
6. DES Staff conducted a field inspection of the project on November 11, 2003. Field inspection determined site was stable.
7. DES Staff conducted a field inspection of the project on September 19, 2004. Field inspection determined site was stable.
8. There was no excavation of the bank, or placement of rip rap in the stream channel that would have potentially impacted a species of concern noted in this reach of the river.
9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine system.

**2003-02773 KUPFERBURG, PAUL AND CONSTANCE  
ALTON Lake Winnepesaukee**

Requested Action:

Reset rocks on existing breakwater and shoreline.

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Conservation Commission/Staff Comments:

Con Com signed Min Exp application

Inspection Date: 05/11/2004 by Dale R Keirstead

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Reset rocks on existing breakwater and shoreline.

With Findings:

1. A request for additional information dated June 14, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-01887                      HAMPTON, TOWN OF  
HAMPTON Hampton Harbor & Atlantic Ocean**

Requested Action:

Excavate, regrade and/or otherwise alter terrain within a total of 68,282 sq. ft. of previously disturbed upland tidal buffer zone and impact a total of 10,569 sq. ft. of tidal wetlands, including 183 sq. ft. of permanent impacts for headwall construction, and 10,386 sq. ft. of temporary impacts, to be fully restored, for work associated with the Hampton Beach Infrastructure Improvements Project for the upgrade and replacement of the municipal sewer and drainage systems.

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Conservation Commission/Staff Comments:

No report received from the Hampton Conservation Commission.

APPROVE PERMIT:

Excavate, regrade and/or otherwise alter terrain within a total of 68,282 sq. ft. of previously disturbed upland tidal buffer zone and impact a total of 10,569 sq. ft. of tidal wetlands, including 183 sq. ft. of permanent impacts for headwall construction, and 10,386 sq. ft. of temporary impacts, to be fully restored, for work associated with the Hampton Beach Infrastructure Improvements Project for the upgrade and replacement of the municipal sewer and drainage systems.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford and Thorndike, LLC dated August 2004, as received by the Department on August 11, 2004.
2. Any future work associated with this project that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Wetlands Bureau Coastal Staff at the project site or at the DES Pease Field Office in Portsmouth, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Orange construction fencing shall be placed at the limits of construction in all areas in or adjacent to tidal wetlands to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. All work in tidal wetlands shall be in accordance with section 6.0 Wetland Restoration: Construction Sequencing for Salt Marsh Impact Areas as set forth on pages 11-12 of the Narrative Report prepared by Normandeau Associates, Inc. submitted with the application and received by the Department on August 11, 2004.
7. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.
8. DES Wetlands Bureau coastal restoration staff shall be notified in writing prior to commencement of work and upon completion of restoration activities.
9. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over wetland areas.
10. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.
11. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
12. The permittee shall submit monitoring reports on the restoration of temporary impacts to tidal wetlands to the DES Wetlands Bureau annually for a period of 5 (five) years following completion of work in those areas.
13. All areas of temporary impacts to tidal wetlands shall be restored to pre-construction conditions or be improved upon or they shall be replanted and further restored until the restoration effort is deemed successful by the DES Wetland Bureau coastal restoration staff.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a & b), to: Excavate, regrade and/or otherwise alter terrain within a total of 68,282 sq. ft. of previously disturbed upland tidal buffer zone and impact a total of 10,569 sq. ft. of tidal wetlands, including 183 sq. ft. of permanent impacts for headwall construction, and 10,386 sq. ft. of temporary impacts, to be fully restored, for work associated with the Hampton Beach Infrastructure Improvements Project for the upgrade and replacement of the municipal sewer and drainage systems.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 22, 2004 and previously. Field inspection determined this project is in the public interest and temporary impacts to tidal wetland are necessary, unavoidable and will be restored to pre-construction conditions or improved upon.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this tidal wetland ecosystem.

**2004-02151                      PORTLAND PIPE LINE CORPORATION**  
**RANDOLPH   Israel River & Carlton Brook**

Requested Action:

Remediate exposed crude oil pipelines at two separate locations:

Site #1 Israel River: Temporarily impact 20 linear feet of stream channel and 40 linear ft. of banks (240 sq. ft.); and permanently impact 230 linear ft. of stream channel, and 375 linear ft. of banks (total 11,000 sq. ft.) to re-establish river in 1986 channel, install in-stream J-hook rock vanes to reduce future erosion and eliminate potential downstream impacts, and fill and restore cover and vegetation over exposed pipes, including a 12" anode line, a 18" crude oil line, and a 24" crude oil line.

Site #2 Carlton Brook: Permanently impact 40 linear ft. of stream channel and 80 linear ft. of banks (800 sq. ft.) to install a 20' long x 5' wide concrete revetment mattress to cover 2 exposed 18" crude oil lines.

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Conservation Commission/Staff Comments:

Con. Com. waived the 40 day intervention period so the work could proceed. Applicants have notified affected property owners of project as Con. Com. requested.

Inspection Date: 09/29/2004 by Dori A Wiggin

**APPROVE PERMIT:**

Remediate exposed crude oil pipelines at two separate locations:

Site #1 Israel River: Temporarily impact 20 linear feet of stream channel and 40 linear ft. of banks (240 sq. ft.); and permanently impact 230 linear ft. of stream channel, and 375 linear ft. of banks (total 11,000 sq. ft.) to re-establish river in 1986 channel, install in-stream J-hook rock vanes to reduce future erosion and eliminate potential downstream impacts, and fill and restore cover and vegetation over exposed pipes, including a 12" anode line, a 18" crude oil line, and a 24" crude oil line.

Site #2 Carlton Brook: Permanently impact 40 linear ft. of stream channel and 80 linear ft. of banks (800 sq. ft.) to install a 20' long x 5' wide concrete revetment mattress to cover 2 exposed 18" crude oil lines.

**With Conditions:**

1. All work shall be in accordance with plans by Lobdell Assoc. Inc. dated 8/17/04, as received by the Department on 9/07/04 for the Carlton Brook site; and in accordance with plans by Horizons Engineering dated 10/18/04, as received by the Department on 10/28/04 for the Israel River site.
2. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. There shall be full-time construction supervision by the designer of the plan on the Israel River site to ensure that the work is carried out according to the approved plan.

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(h), projects that alter or disturb more than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 9/29/04. Field inspection determined that these projects represented minor environmental impact to conduct necessary repair/remediation to protect the environment against a potential oil spill from exposed crude oil pipelines.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of these wetland and riverine ecosystems.
7. NH Fish and Game Department has determined that no cold water fisheries cut off date will apply to this project based on recognition of the need to do this work immediately to avoid any potential pipe damage that could result in an oil spill. NH Fish and Game has also acknowledged removal of the beaver dam currently impounding the river adjacent to the work area.

**MINOR IMPACT PROJECT**

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**2003-01800                    MANCHESTER PARKS & RECREATION, CITY OF  
MANCHESTER    Piscataquog River**

Requested Action:

Add approximately 50 linear feet of stabilizing retaining wall 1.5 - 3 feet in height on the landward side of the handicap access ramp being constructed in the bank at Site 11.

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Conservation Commission/Staff Comments:

Did not report.

APPROVE AMENDMENT:

Amend original permit restoring a total of 2000 sq. ft. of compacted and eroded river bank (from public use) at four (4) locations along the Piscataquog River with native shrubs and vegetation together with rip-rap and gabion baskets as required and install granite steps and a concrete ramp to improve public access locations; to include addition of approximately 50 linear feet of stabilizing retaining wall 1.5 - 3 feet in height on the landward side of the handicap access ramp being constructed in the bank at Site 11.

With Conditions:

1. All work shall be in accordance with plans by Comprehensive Environmental, Inc. dated Nov. 5, 2002, as received by the Department on August 14, 2003, and per revised plans dated September 30, 2004 as received by the Department on October 4, 2004.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.

With Findings:

1. The installation of the retaining wall on the side of the ramp at the most landward point away from the river represents minimal additional environmental impact.

**2004-01588                    PREMIUM BUILDERS  
NORTHFIELD    Unnamed Wetland**

Requested Action:

Dredge and fill 3389 square feet of palustrine forested wetland including installation of a 15-inch x 22 foot culvert for access to a proposed single family residence.

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Conservation Commission/Staff Comments:

The Northfield Conservation Commission recommended the application be denied.

APPROVE PERMIT:

Dredge and fill 3389 square feet of palustrine forested wetland including installation of a 15-inch x 22 foot culvert for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Burd Engineering Associates dated July 7, 2004, as received by the Department on July 14, 2004.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.

5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a letter from the town of Northfield Road Agent stating the location of the driveway is acceptable.
6. The resubmitted project information proposes an adequately sized culvert to maintain the hydrology of the wetland.
7. The applicant has provided an updated wetland delineation by a certified wetland scientist.

**2004-01756                      NH DEPT OF TRANSPORTATION**  
**CLARKSVILLE   Connecticut River**

Requested Action:

Add two bents on top of two new concrete pads (2 ft. x 24 ft. each) adjacent to the southerly abutment and first existing bent impacting 1,770 sq. ft. of river and bank (285 sq. ft. temporary). NHDOT project #14303.

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CONFIRM EMERGENCY AUTHORIZATION:

Conform Emergency permit to: Add two bents on top of two new concrete pads (2 ft. x 24 ft. each) adjacent to the southerly abutment and first existing bent impacting 1,770 sq. ft. of river and bank (285 sq. ft. temporary). NHDOT project #14303.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of stream.
2. The project was necessary to brace the existing bridge over the river in order to keep the roadway open.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on July 30, 2004.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2004-01840                      WAGER JR, RALPH**  
**CANAAN   Unnamed Wetland**

Requested Action:

Dredge and fill 7700 of palustrine forested wetland including installation of two 15-inch x 16 foot culverts for access to a proposed single family residence.

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Conservation Commission/Staff Comments:

The Grantham Conservation Commission did not comment on the proposed application.

APPROVE PERMIT:

Dredge and fill 7700 of palustrine forested wetland including installation of two 15-inch x 16 foot culverts for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated July 2004, as received by the Department on August 9, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The original application file 2003-02627, has original photographs depicting the impact area.

**2004-02364**                      **AMHERST, TOWN OF**  
**AMHERST** **Beaver Brook**

Requested Action:

Replace existing five ft. corrugated metal pipe with a 10'6" x 5'7" x 42' long aluminum box culvert; temporarily impact 225 sq. ft. of wetlands for brook diversion; permanently impact 938 sq. ft. (99 linear ft.) to install new pipe, headwalls, and rip rap inlet and outlet.

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Conservation Commission/Staff Comments:

Conservation Commission reported that they are satisfied with the plans presented.

Inspection Date: 04/21/2004 by Dori A Wiggin

APPROVE PERMIT:

Replace existing five ft. corrugated metal pipe with a 10'6" x 5'7" x 42' long aluminum box culvert; temporarily impact 225 sq. ft. of wetlands for brook diversion; permanently impact 938 sq. ft. (99 linear ft.) to install new pipe, headwalls, and rip rap inlet and outlet.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers Inc. dated 9/2004, as received by the Department on 10/21/2004.
2. Temporary sand bag cofferdams shall be entirely removed immediately following construction.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. An emergency authorization was granted in April 2004 for temporary repair of the failing culvert. This application represents the permanent repair to the crossing.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 4/21/04 for issuance of the emergency authorization.

**MINIMUM IMPACT PROJECT**

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**2003-02223                      LOWRY, JAMES**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Approve name change to: Virtuous Construction Inc., 203 Saint Anselm's Dr., Goffstown NH 03045 per request received 10/25/2004.

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Conservation Commission/Staff Comments:

The conservation commission has no objections to this application.

APPROVE NAME CHANGE:

Restore 3,500 square feet of previously disturbed forested wetland, fill 350 square feet of previously impacted forested wetland for lot development, and temporarily impact 410 square feet of previously impacted forested wetland to install a well and replace a culvert with associated headwall for access.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated September 13, 2003 and revised through January 26, 2004, as received by the Department on January 26, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on the restoration of 3,500 square feet of wetland.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. Work shall be done during low flow.
7. A qualified wetlands consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval.
8. Wetland restoration shall be complete prior to the commencement of house construction.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. The restoration area shall be regraded to the original contours.
12. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
13. All material removed during restoration activities shall be placed out of DES's jurisdiction.
14. Mulch within the restoration area shall be straw.
15. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of restoration.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-00256                      PAUL, PETER**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Applicant requests an amendment to include a seasonal boatlift.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE AMENDMENT:

Amend Permit to Read:

Construct a 6 ft x 40 ft seasonal dock hinged to a 6 ft x 3 ft concrete pad within the bank, and install a seasonal boatlift on an average of 110 ft of frontage on Lake Winnepesaukee.

With Conditions:

With Amended Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 12, 2004, revised October 22, 2004, as received by the Department on October 25, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Seasonal structures, including docks and boatlifts, shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
9. The concrete pad shall exist within the bank located behind the natural high water elevation (504.32).
10. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a 2-slip seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00968                      KLINGES, KARL**  
**CORNISH Notch Brook**

Requested Action:

Dredge and fill 100 square feet within the bank of Notch Brook for installation of a clear span bridge for access to a proposed single family residence.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The conservation has repeatedly requested construction details and erosion control plans for the proposed project. DES has received this information and is forwarding it to the town.

APPROVE PERMIT:

Dredge and fill 100 square feet within the bank of Notch Brook for installation of a clear span bridge for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Natural Resource Consulting Services dated October 12, 2004, as received by the Department on October 14, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. Work shall be done during low flow.
6. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
9. Construction equipment shall not enter surface waters.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(h), installation of a bridge provided that, no work is done in the water or wetland, the fill does not exceed 3,000 square feet of fill on the banks of a river or bed of the river, and the bridge is not in prime wetlands, bogs, marshes, sand dunes, undisturbed tidal buffer zone or does not meet the requirements of Wt 303.02(k);
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01789                      CLARK, ANNE MARIE & MARY EILEEN**  
**SEABROOK   Atlantic Ocean**

Requested Action:

Impact 4,000 square feet in an area considered to be in NH DES sand dune jurisdiction to excavate, fill or otherwise alter terrain to replace existing cottage with a 28' x 42' modular cape with associated structures.

\*\*\*\*\*

Inspection Date: 10/15/2004 by Eben M Lewis

APPROVE PERMIT:

Impact 4,000 square feet in an area considered to be in NH DES sand dune jurisdiction to excavate, fill or otherwise alter terrain to replace existing cottage with a 28' x 42' modular cape with associated structures.

With Conditions:

1. All work shall be in accordance with plans by E.J. Cote & Associates. dated July 7, 2004, as received by the Department on August 3, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. The property is located within the Town of Seabrook's Beach District/sand dune jurisdiction. The property itself does not contain any sand dune vegetation.
2. DES therefore finds that the project is a minimum impact project per Wt. 303.04(o).
3. The applicant has received written approvals for work from each of the abutters whose property lines exist within twenty feet of the proposed project.
4. The NH Natural Heritage Bureau (NHNHB) has record of three state threatened plant species within the project vicinity, Hairy Hudsonia (*Hudsonia tomentosa*), and Tall Wormwood (*Artemisia campestris*); one plant species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*)
5. DES review of this application finds that none of the NHNHB identified species will be impacted as a result of the project, as the property is fully developed and does not support the above-listed identified items.

**2004-01794                      BARNDOLLAR, STEPHEN**  
**PORTSMOUTH   Sagamore Creek**

Requested Action:

Excavate, regrade or otherwise alter terrain within 2,349 sq. ft. of previously disturbed upland tidal buffer zone to raze an existing 2-storey structure and construct a new 3,500 sq. ft. (approx.) single family residence on a 29,220 sq. ft. waterfront lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Portsmouth Conservation Commission recommends approval of the project.

APPROVE PERMIT:

Excavate, regrade or otherwise alter terrain within 2,349 sq. ft. of previously disturbed upland tidal buffer zone to raze an existing 2-storey structure and construct a new 3,500 sq. ft. (approx.) single family residence on a 29,220 sq. ft. waterfront lot.

With Conditions:

1. All work shall be in accordance with plans by Graf Design Associates, Inc. dated 26 July 2004, as received by the Department on October 13, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

**2004-02088                      GREAT BRIDGES PROPERTIES**  
**DOVER   Bellamy River**

Requested Action:

Dredge and fill a total of 4,325 sq. ft. of accumulated debris and sediments, rock fill and timber crib members for work associated with the removal of an abandoned and deteriorated head-of-tide dam to restore natural river bed conditions and foster anadromous fish runs. The project includes the installation of 100 sq. ft. of stone rip-rap bank stabilization/scour protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No report received from the Dover Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 4,325 sq. ft. of accumulated debris and sediments, rock fill and timber crib members for work associated with the removal of an abandoned and deteriorated head-of-tide dam to restore natural river bed conditions and foster anadromous fish runs. The project includes the installation of 100 sq. ft. of stone rip-rap bank stabilization/scour protection.

With Conditions:

1. All work shall be in accordance with plans by NH DES & NH Fish and Game Department dated September 3, 2002 (last revised 7/8/04), as received by the Department on September 01, 2004.
  - 1a. The 'Bellamy River Dam Removal, Sequence of Construction' noted on the above referenced plan will be strictly adhered to as a condition on this permit.
2. The NH Fish & Game Department will coordinate all phases of this project with the DES Wetlands Bureau coastal staff.
3. A photo log from established photo stations will be provided to the DES Wetlands Bureau documenting all phases of this project prior to (existing), during (dam removal) and upon completion.
4. Any future work on this site that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The exception to condition #4 is minor changes in the scope of work made necessary by unforeseen site conditions which may be authorized by DES Wetlands Bureau coastal staff.
6. Dredged materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau with the exception of that rock fill material to be utilized for bank stabilization/scour protection and that portion of the rock fill material suitable for redistribution on the river bottom.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be done during low flow tidal conditions.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(t)(1-4), restoration of altered or degraded wetlands provided the project receives financial support and direct supervision of a New Hampshire state agency. (NH Fish & Game Department and NH DES)
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 13, 2004. Field inspection determined the plan by the NH Fish & Game Department for the removal of the remains of this head-of-tide dam should be implemented.
6. This project is in compliance with the Comprehensive Shoreland Protection Act RSA 483-B.

**2004-02135                      USDA FOREST SERVICE**  
**CHATHAM Slippery Brook**

Requested Action:

Remove a 15' wide x 40' long deteriorated forest service road wooden bridge structure and restore and revegetate 15 linear feet of bank on each side of Slippery Brook, temporary impact 30 linear feet of stream banks; 600 sq. ft. of temporary impact within wetlands jurisdiction.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Did not report.

APPROVE PERMIT:

Remove a 15' wide x 40' long deteriorated forest service road wooden bridge structure and restore and revegetate 15 linear feet of bank on each side of Slippery Brook, temporary impact 30 linear feet of stream banks; 600 sq. ft. of temporary impact within wetlands jurisdiction.

With Conditions:

1. All work shall be in accordance with plans by USDA Forest Service dated 10/19/2004, as received by the Department on 10/20/2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum by the department based on degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Review of this project finds that this project will restore the natural banks and free flow of the brook with minimal environmental impact to remove the old bridge.

**2004-02339                      WALDRON BAY LOT OWNERS ASSOC  
MEREDITH Lake Winnisquam**

Requested Action:

Reduce an existing 136 sq ft deck to 6 ft x 16 ft, and retain existing 20 ft long stairs in the bank on an average of 872 ft of frontage on Lake Winnisquam, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con. Com. recommended approval

APPROVE PERMIT:

Reduce an existing 136 sq ft deck to 6 ft x 16 ft, and retain existing 20 ft long stairs in the bank on an average of 872 ft of frontage on Lake Winnisquam, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 26, 2004, as received by the Department on September 28, 2004.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures by reducing the size of the existing deck, with no change in location or configuration.

**2004-02378                      MANTONE, ROBERT & ROBERTA**  
**OSSIPEE   Ossipee Lake**

Requested Action:

Replace an existing 45 linear ft wall in-kind, and terrace the top of an existing slope with an additional 53 linear ft wall on an average of 95 ft of frontage on Ossipee Lake, Ossipee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Replace an existing 45 linear ft wall in-kind, and terrace the top of an existing slope with an additional 53 linear ft wall on an average of 95 ft of frontage on Ossipee Lake, Ossipee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated September 27, 2004, as received by the Department on September 29, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Repair shall maintain existing size, location and configuration.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**FORESTRY NOTIFICATION**

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**2004-02478**                    **EDELKIND, HARVEY**  
**DUBLIN** Unnamed Stream

COMPLETE NOTIFICATION:  
Dublin Tax Map 3, Lot# 22, 24 & 24B

**2004-02480**                    **REID TRUST, DAVID AND JEAN**  
**FITZWILLIAM** Unnamed Stream

COMPLETE NOTIFICATION:  
Fitzwilliam Tax map 10, Lot# 10

**2004-02481**                    **FOSS III, GEORGE**  
**EASTON** Unnamed Stream

COMPLETE NOTIFICATION:  
Easton Tax map 2, Lot# 32

**2004-02484**                    **PAECH, JENS**  
**BOSCAWEN** Unnamed Stream

COMPLETE NOTIFICATION:  
Boscawen Tax Map 47, Lot# 1

**2004-02485**                    **BAYROOT LLC, MOXIE TREE FARM**  
**SHELBURNE** Unnamed Stream

COMPLETE NOTIFICATION:  
Shelburne Tax Map 9, Lot# 2

**2004-02486**                    **DH HARDWICK & SONS**  
**MARLOW** Unnamed Stream

COMPLETE NOTIFICATION:  
Marlboro Tax Map 3, Lot# 17

**2004-02487**                    **WHEELER, JEFFREY**  
**LYMAN** Unnamed Stream

COMPLETE NOTIFICATION:  
Lyman Tax Map 72, Lot# 114

**2004-02492**                    **NORSTROM, WILLIAM & GAIL**  
**NEWMARKET** Unnamed Stream

COMPLETE NOTIFICATION:  
Newmarket Tax map R6, Lot# 42

**2004-02493                    ROBERTS, JOHN**  
**TAMWORTH Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 403, Lot# 11

**2004-02494                    ROSE, CHARLES**  
**WEBSTER Unnamed Stream**

COMPLETE NOTIFICATION:  
Webster Tax map 7, Lot# 2

**2004-02496                    VAN BLARCOM, EDWARD & DAVID**  
**JAFFREY Unnamed Stream**

COMPLETE NOTIFICATION:  
Jaffrey Tax Map 206, Lot# 21

**2004-02501                    FALLON, JAMES**  
**BENTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Benton Tax Map 2, Lot# 51-1-5

**2004-02505                    BENISHIN, GEORGE & CYNTHIA**  
**FREMONT Unnamed Stream**

COMPLETE NOTIFICATION:  
Fremont Tax Map 2, Lot# 19 & 20

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2004-00164                    JOHNSON, C WILLIAM**  
**MILTON Unnamed Wetland**

Requested Action:  
Approve name change request to: James Moffett, Sr.,4 Parsley Lane, Strafford NH 03884 per request received 10/22/2004.  
\*\*\*\*\*

Conservation Commission/Staff Comments:

Milton Conservation Commission signed the application.

**APPROVE NAME CHANGE:**

Dredge and fill 1,016 square feet of forested wetland to install 2 culverts to provide access to 1 lot of a 5-Lot subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by HEB Engineers dated September 2, 2003 revised November 24, 2003, as received by the Department on April 5, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-02154                      BRACKETT, GREG  
NEW DURHAM   Meerymeeting Lake**

**Requested Action:**

Install a 4 ft x 36 ft seasonal dock hinged to a 5 ft x 2 ft concrete pad on an average of 125 ft of frontage on Merrymeeting Lake, New Durham.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con. Com. signed application

**APPROVE PERMIT:**

Install a 4 ft x 36 ft seasonal dock hinged to a 5 ft x 2 ft concrete pad on an average of 125 ft of frontage on Merrymeeting Lake, New Durham.

**With Conditions:**

1. All work shall be in accordance with plans by Katheryn Armstrong dated August 12, 2004, as received by the Department on September 8, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if

the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. The Loon Preservation Committee shall be contacted prior to the installation of the seasonal dock to offer guidelines to ensure the safety and breeding success of loons.
9. Seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 36 feet from the shoreline at full lake elevation.
11. This shall be the only docking structure on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), installation of a 2-slip seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Loon Preservation Committee offered comments on the project.

**2004-02349                      MACISAAC, DONALD**  
**JAFFREY   Unnamed Wetland**

Requested Action:

Fill approximately 1,500 square feet of a man-made pond

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Conservation Commission signed the expedited application.

APPROVE PERMIT:

Fill approximately 1,500 square feet of a man-made pond

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on October 8, 2004.
2. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. No fill shall be done for lot development.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and

when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The pond was constructed in uplands for ice skating.
6. There is no hydrophytic vegetation and no stream channels in or out of the pond.
7. The Department has determined the project will not adversely affect the ecology. Extensive natural wetland systems are present in the local vicinity.

**LAKES-SEASONAL DOCK NOTIF**

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**2004-02570                    PIPER, JURGEN & LILAH**  
**BRIDGEWATER    Newfound Lake**

COMPLETE NOTIFICATION:  
Bridgewater Tax Map 115, Lot# 9 Newfound Lake

**2004-02571                    DUNKLEE, MICHELLE**  
**HEBRON    Newfound Lake**

COMPLETE NOTIFICATION:  
Hebron Tax Map 7, Lot# HP-03 Newfound Lake

**2004-02573                    LANTZ, MAUREEN**  
**SUNAPEE    Lake Sunapee**

COMPLETE NOTIFICATION:  
Sunapee Tax Map 107, Lot# 31 Lake Sunapee

**2004-02574                    KJELLMAN, ROBERT**  
**SUNAPEE    Lake Sunapee**

COMPLETE NOTIFICATION:  
Sunapee Tax Map 122, Lot# 21 Lake Sunapee

**2004-02575                    TANGUAY, GEREARD**  
**MOULTONBOROUGH    Lake Winnepesaukee**

COMPLETE NOTIFICATION:

Moultonboro Tax map 38, Lot# 11 Lake Winnepesaukee

**2004-02576 LAMOTHE, MARK  
FREEDOM Danforth Bay**

COMPLETE NOTIFICATION:

Freedom Tax Map 33, Lot# 6 Danforth Bay

**SHORELAND VARIANCE / WAIV**

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**2004-00835 WHITING, DOUGLAS  
GILFORD Lake Winnepesaukee**

Requested Action:

Improvement of an existing non-conforming residential structure within the primary building setback. Increase the outside dimensions of the non-conforming residence by expanding the roof for the construction of two dormers.

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APPROVE CSPA WAIVER:

Improvement of an existing non-conforming residential structure within the primary building setback. Increase the outside dimensions of the non-conforming residence by expanding the roof for the construction of two dormers.

With Conditions:

1. All work shall be conducted in accordance with the plans as received by the department on August 19, 2004 and September 16, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Limestone shall be the only type of fertilizer used within 25 ft of the reference line. Low or no phosphorus fertilizer shall be the only fertilizer used from 25 ft - 250 ft beyond the reference line.
6. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of

protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to install a retaining wall above the bank and recontour the yard to divert stormwater away from the shoreline and into a vegetated area and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B:11, I.

**2004-00997 MCKIEL, DAVID,CAROLYN,DANA & MARIA  
LACONIA Lake Winnepesaukee**

Requested Action:

Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Reconfigure the footprint of the non-conforming residence and expand the outside dimensions of the structure by increasing the ridgeline height.

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APPROVE CSPA WAIVER:

Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Reconfigure the footprint of the non-conforming residence and expand the outside dimensions of the structure by increasing the ridgeline height.

With Conditions:

1. All work shall be conducted in accordance with plans dated "Revised August 2004" by Fred O. Wheeler Jr. as received by the department on August 25, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A restrictive covenant shall be placed on the deed prohibiting current or future owners from constructing a deck or porch between the primary structure and the reference line. A copy of the recorded approval and covenant shall be submitted to the DES Wetlands Bureau prior to construction.
3. The applicant shall remove the pipe directing stormwater to the lake and install the re-charge basin before changes to the primary structure begin.
4. The proposed construction of the retaining wall, planting, and removal of rubble from the waterbody shall be carried out before completion of the proposed project.
5. All machinery must remain landward of the reference line.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Limestone shall be the only type of fertilizer used within 25 ft of the reference line. Low or no phosphorus fertilizer shall be the only fertilizer used from 25 ft - 250 ft beyond the reference line.
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal

for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to move the existing non-conforming residence from within the waterbody to a distance 3 feet 3 inches behind the reference line, install a re-charge basin, construct a retaining wall, plant along the shoreline, and remove debris from the waterbody and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B:11, II.

**2004-01564 NEELY, HERBERT & CAROLE**  
**GOFFSTOWN Glenn Lake**

Requested Action:

Grant waiver to RSA 483-B:11, I to expand the outside dimensions and the footprint of an existing three level nonconforming dwelling in order to increase the living space on the top level.

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APPROVE CSPA WAIVER:

Grant waiver to RSA 483-B:11, I to expand the outside dimensions and the footprint of an existing three level nonconforming dwelling in order to increase the living space on the top level.

With Conditions:

1. All work shall be conducted in accordance with the septic system plans received by the department on July 12, 2004, the plans for the proposed expansion received on August 18, 2004, and planting plans received on August 30, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A restrictive covenant shall be placed on the deed binding future owners into maintaining the vegetative cover as proposed. A copy of the recorded approval and covenant shall be submitted to the DES Wetlands Bureau prior to construction.
3. This waiver is contingent upon approval of the proposed updated septic system by the DES Subsurface Bureau.
4. The applicant shall complete the vegetation plan and upgrade the existing septic system before the proposed construction is structurally complete.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Native trees, shrubs, and ground covers shall be the only types of vegetation planted.
7. Exposed soils around plantings shall be mulched with 3 to 4 inches of wood chips to prevent early frost damage. All other exposed soil areas shall be stabilized by mulching with tack or netting and pinning on slopes steeper than 3:1. Limestone shall be the only type of fertilizer used within 25 ft of the reference line. Low or no phosphorus fertilizer shall be the only fertilizer used from 25 ft - 250 ft beyond the reference line.
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. In accordance with RSA 483-B:9, II, all primary structures shall be set back 50 feet from the reference line.
2. The existing dwelling in question is located within the 50 foot primary building setback to Glen Lake.
3. In accordance with RSA 483-B:11, I, nonconforming structures may be repaired, renovated, or replaced in kind provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted.
4. The proposed changes to the existing dwelling include expansion of the footprint and expansion of the outside dimensions of the dwelling.
5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal

for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

6. The applicant proposes to revegetate all exposed and/or unstable areas on the property in order to stabilize the steep slope characteristic of this lot as well as update the septic system.

7. The proposed actions to revegetate the property and improve wastewater treatment will result in an increase to the protection of the waterbody therefore meeting the criteria for the issuance of a waiver per RSA 483-B:11, II by bringing the property into greater conformity with the Comprehensive Shoreland Protection Act.

**2004-01759                      ERICKSON, PAMELA  
PELHAM Little Island Pond**

Requested Action:

Improvement of an existing non-conforming residential structure within the primary building setback. Expand the footprint of the non-conforming residence.

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APPROVE CSPA WAIVER:

Improvement of an existing non-conforming residential structure within the primary building setback. Expand the footprint of the non-conforming residence.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on September 14, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. A wetlands permit for a perched beach shall be obtained from the department before construction of the addition begins.
4. The beach shall be perched before construction of the addition is complete.
5. The expansion shall not increase the height of the ridgeline.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
  
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Little Island Pond and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to perch an existing beach on the shoreline, block a stormwater drainage pipe draining into the lake, and redirect the stormwater to a vegetated treatment swale and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2004-01817                      STEARNS, CHRISTINE  
WOLFEBORO Lake Wentworth**

Requested Action:

Improvement of an existing non-conforming residential structure within the primary building setback. Expand the outside dimensions of the structure by increasing the ridgeline height.

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APPROVE CSPA WAIVER:

Improvement of an existing non-conforming residential structure within the primary building setback. Expand the outside dimensions of the structure by increasing the ridgeline height.

With Conditions:

1. All completed work shall coincide with plans as received by the department on August 2, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
5. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
6. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The pre-existing non-conforming residence was located within the 50 ft primary building setback to Lake Wentworth and therefore failed to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant replaced a pre-existing septic system with a new system, maintained all vegetation between the residence and reference line, and received a permit for and completed repairs to a rip rap bank and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2004-01875                      HUTCHINSON, WALTER, JANET & KEVIN  
BELMONT Lake Winnisquam**

Requested Action:

Improvement of an existing non-conforming residential structure within the primary building setback. Expand the outside dimensions of the non-conforming residence by raising the ridgeline height to add a second floor.

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APPROVE CSPA WAIVER:

Improvement of an existing non-conforming residential structure within the primary building setback. Expand the outside dimensions of the non-conforming residence by raising the ridgeline height to add a second floor.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on August 11, 2004 and August 17, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A restrictive covenant shall be placed on the deed binding future owners to maintain the vegetative buffer as shown on plans received by the department on August 17, 2004. A copy of the recorded approval and covenant shall be submitted to the DES Wetlands Bureau prior to construction.
3. Plantings shall be limited to native trees, shrubs, and ground covers as part of the shoreline buffer.
4. Planting shall take place no later than October 30, 2004. Exposed soils around plantings shall be mulched with 3 to 4 inches of wood chips to prevent early frost damage. All other exposed soil areas shall be stabilized with matting such as straw or by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Limestone shall be the only type of fertilizer used within 25 ft of the reference line. Low or no phosphorus fertilizer shall be the only fertilizer used from 25 ft - 250 ft beyond the reference line.
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state, or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnisquam and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to plant a shoreline vegetative buffer and install a crushed stone drainage swale to treat roof runoff and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B:11, II.

**2004-02138 OLCOTT, EMERY & BARBARA  
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Expand the footprint of and increase the ridgeline height of the non-conforming residence to create more living space.

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APPROVE CSPA WAIVER:

Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Expand the footprint of and increase the ridgeline height of the non-conforming residence to create more living space.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on September 7, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All exposed areas between the proposed patio and stone walls and the shoreline shall be revegetated by the completion of the project.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.

8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to increase the primary building setback from 32 feet to 37 feet, reconfigure the structure to result in a decrease of 420 square feet of primary structure and 464 square feet of attached patio and attached deck within the setback, and install a perimeter drain foundation to receive roof run off and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**PERMIT BY NOTIFICATION**

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**2004-02475                      BAKER, GEORGE**  
**ALTON   Unnamed Pond**

Requested Action:

PBN#3, Maintenance dredge approximately 5,625 square feet of a man-made pond.

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Conservation Commission/Staff Comments:

The Alton Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#3, Maintenance dredge approximately 5,625 square feet of a man-made pond.

**2004-02476                      MICHALOWSKI, JOE & LAURA DUDIZAK**  
**MILFORD   Unnamed Wetland**

Requested Action:

PBN#1, Dredge and fill approximately 330 square feet of forest wetland to install a 15-inch by 26-foot culvert for access to a single family residential lot.

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Conservation Commission/Staff Comments:

The Hillsborough Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#1, Dredge and fill approximately 330 square feet of forest wetland to install a 15-inch by 26-foot culvert for access to a single family residential lot.